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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,479	02/04/2004	Les Jioia	G845	2849
39747	7590	02/22/2006	EXAMINER	
GOLDSTEIN LAW OFFICES, P.C. 2071 CLOVE ROAD - 204 STATEN ISLAND, NY 10304			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 02/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/771,479	Applicant(s) JIOIA, LES	
	Examiner Hadi Shakeri	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7 and 8 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 3, 5 and 7, each depend on a cancelled claim.
4. Claim 5 recites the limitation "the sanding surface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

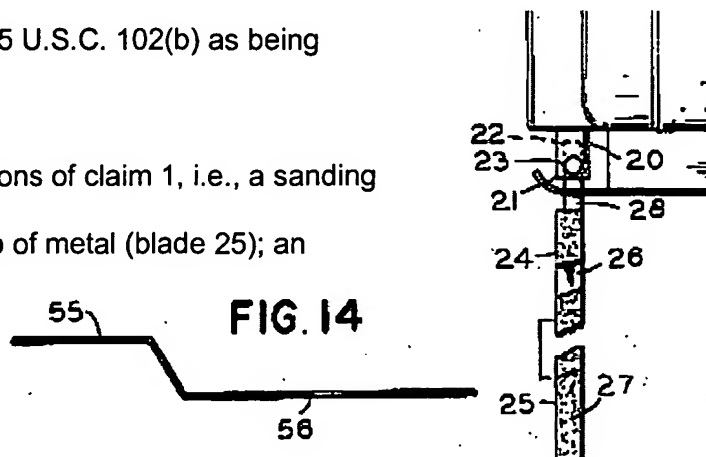
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is finally rejected under 35 U.S.C. 102(b) as being anticipated by Barnes (3,914,906).

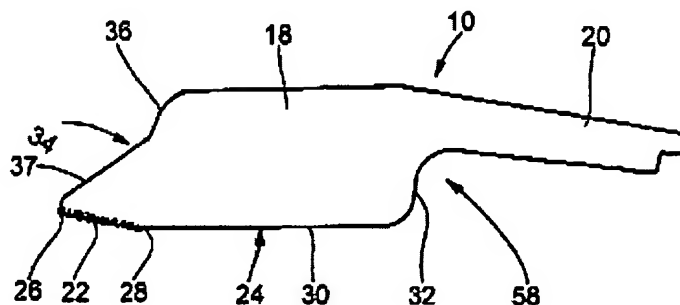
Barnes discloses all of the limitations of claim 1, i.e., a sanding attachment comprising an elongated strip of metal (blade 25); an attachment end (28); a sanding end having a sanding strip (27); and at least one bend, Fig. 14.



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7. Claims 1, 3 and 5 (as best understood) are finally rejected under 35 U.S.C. 102(b) as being anticipated by Romagnoli (6,149,510).

Romagnoli discloses all of the limitations of claim 1, i.e., a sanding attachment comprising an elongated



strip of metal (10); an attachment end (20); top and bottom surfaces (38, 24); a sanding end having a sanding strip (22); and at least one bend, (either notch 58, defining two bends or acute angle defined by 37).

Regarding claims 3 and 5, Romagnoli meets the limitations, i.e., the bend having sufficient angle; bends 58 and 37; and wherein the attachment end and the sanding end are substantially perpendicular to one another; toothed blade (66).

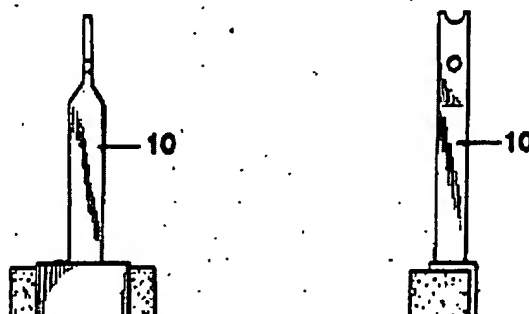
Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 5, (as best understood) are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Harris (4,707,947).

Barnes meets all of the limitations of claim 3, i.e., two bends as shown in Fig. 14, except for disclosing an attachment end, which is perpendicular



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to the sanding end.

Harris teaches sanding attachment including embodiments wherein the attachment end is having a parallel plane with the sanding end or the rest of the blade, Fig. 2, like the arrangement disclosed by Barnes and attachment end perpendicular to the rest of the blade, Fig. 1. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Barnes with attachment end as taught by Harris to adapt the sanding attachment for a particular power tool requiring such arrangement.

Regarding claim 5, Barnes in view of Harris meets the limitations, i.e., sanding surface a plurality of small raised protuberances in the abrasive sheet, e.g., aluminum oxide grit (03:59).

Regarding claim 7, Romagnoli as modified above meets all the limitations, by disclosing abrasive (64) joined to the blade (05:33-36), except for disclosing the means of attaching the strip to the blade, however, the means of attaching, e.g., welding the abrasive to the blade, for economical reasons, would modification obvious to one of ordinary skill in the art.

10. Claims 7, and 8 (as best understood) are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Romagnoli.

Regarding claim 7, Romagnoli as modified above meets all the limitations, by disclosing abrasive (64) joined to the blade (05:33-36), except for disclosing the means of attaching the strip to the blade, however, the means of attaching, e.g., welding the abrasive to the blade, for economical reasons, would modification obvious to one of ordinary skill in the art.

Regarding claim 8, Romagnoli as modified above meets the limitations, e.g., substantially rectangular (e.g., Fig. 1 or bottom view).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

12. Applicant's arguments filed 12/09/05 have been fully considered but they are not persuasive. The arguments that prior art tool works and/or is arranged differently fails to point out what claim limitations is not met. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). For example, how would the notch (58) not read over the recited limitation of a "bend"? The argument that the tool of prior art is limited to access hard-to-reach areas, and/or the bends of the claimed invention are meant to allow access, or in general the intended use of the present invention does not further limit the sanding attachment as recited.

The argument regarding the modification per Harris is not persuasive, since Barnes discloses, in Fig. 14, an attachment having two bends, except that the ends are not perpendicular to one another, however, in fitting the attachment to different types of chucks, e.g., saber or jig saw, requires an attachment ninety degrees rotated to the sanding surface as taught by Harris, e.g., in Fig. 1 or (01:48-50). The argument that the sanding strip of the claimed invention is not removable from the sanding end is clearly contrary to claim 7, which uses screw as the attachment means, which is inherently removable, whereas rivets may not be.

The argument that Romagnoli does not disclose small, raised protuberances is not persuasive, e.g., (66) or carbide steel granules. It is also noted that Romagnoli does not teach

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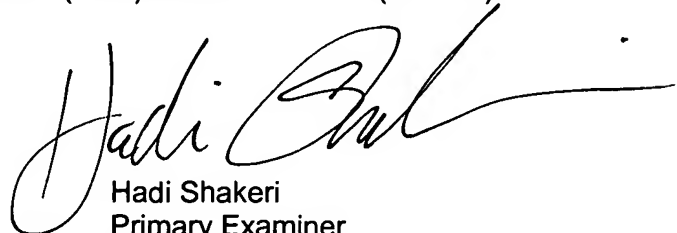
away from using carbide steel granules (05:37), because it does not claim this feature in the claims. With regards to claim 8, a "substantially" rectangular shape is considered met by the figures having the bend, further a bottom view or even a top view, i.e., the thickness would disclose a substantially rectangular shape as broadly recited.

The arguments regarding cancelled claims are moot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri
Primary Examiner
Art Unit 3723

hs
February 20, 2006